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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,329	10/31/2003	Donald A. Ice	15436.122.1	9808

22913 7590 05/03/2005

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EXAMINER

LEVI, DAMEON E

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,329

Applicant(s)

ICE, DONALD A.

Examiner

Dameon E. Levi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al US Patent 5666271.

Regarding claim 1, Kim et al discloses an apparatus comprising:

a body having top and bottom sides and an end(for example, see element 1, Figs 2-4);

a plurality of engagement elements(for example, see elements 10, 11a, 11b, Figs 2-4)

configured to engage the corresponding structure of the electronic equipment enclosure

so that when the card guide is completely installed in the electronic equipment

enclosure, the card guide is attached to the electronic equipment enclosure in a

fastenerless arrangement,

at least one engagement element being attached to each of the top and bottom sides of

the body and the end of the body(for example, see elements 10, 11a, 11b, Figs 2-4).

Moreover, regarding the intended use recitation[...configured to engage the

corresponding structure of the electronic equipment enclosure so that when the card

guide is completely installed in the electronic equipment enclosure, the card guide is

attached to the electronic equipment enclosure in a fastenerless arrangement],it has

been held that a recitation with respect to the manner in which a claimed apparatus is

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intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 2, Kim et al discloses wherein at least one of the engagement elements is configured to permanently engage the corresponding structure of the electronic equipment enclosure(for example, see elements 10, 11a, 11b, Figs 2-4). Moreover, regarding the intended use recitation[...configured to permanently engage the corresponding structure of the electronic equipment enclosure],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 3, Kim et al discloses wherein the at least one engagement element attached to the top side of the body is configured to operably interact with a self clinching tie mount(for example, see elements 10, 11a, 11b, Figs 2-4). Moreover, regarding the intended use recitation[...configured to operably interact with a self clinching tie mount],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 5, Kim et al discloses wherein at least one of the engagement elements is integral with the body of the card guide(for example, see elements 10, 11a, 11b, Figs 2-4).

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Regarding claim 6, Kim et al discloses wherein the body defines at least one channel configured and arranged to receive an edge of a card when the card guide is installed in the electronic equipment enclosure(for example, see elements 1 Figs 2-4).

Moreover, regarding the intended use recitation[...configured and arranged to receive an edge of a card when the card guide is installed in the electronic equipment enclosure],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 7, Kim et al discloses wherein the body is configured to removably receive an adapter element, selective use of the adapter element facilitating definition of at least first and second card storage configurations (for example, see elements 1 Figs 2-4).

Moreover, regarding the intended use recitation[...configured to removably receive an adapter element, selective use of the adapter element facilitating definition of at least first and second card storage configurations],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 8, Kim et al discloses wherein the body defines a plurality of channels on at least one side, so as to facilitate definition of a plurality of card storage levels(for example, see channels in elements 1 Figs 2-4).

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Moreover, regarding the intended use recitation[... so as to facilitate definition of a plurality of card storage levels], it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 9, Kim et al discloses wherein the card guide is configured for use in both vertical and horizontal card cages(for example, see elements 1 Figs 2-4).

Moreover, regarding the intended use recitation[... configured for use in both vertical and horizontal card cages], it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 10, Kim et al discloses an apparatus comprising:

a plurality of engagement elements(for example, see elements 10, 11a, 11b, Figs 2-4), the plurality of engagement elements being comprising a portion of one of: the plurality of card guides(for example, see elements 1, Figs 2-4), and, the electronic equipment enclosure; and corresponding structure configured to interact with the plurality of engagement elements, the corresponding structure comprising a portion of one of: the plurality of card guides; and, the electronic equipment enclosure(for example, see elements 3,4,6, Figs 2-4).

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Regarding claim 11, Kim et al discloses wherein the plurality of engagement elements are defined by the plurality of card guides(for example, see elements 1,10, 11a, 11b, Figs 2-4).

Regarding claim 12, Kim et al discloses wherein the corresponding structure is defined by the electronic equipment enclosure(for example, see elements 3,4,6, Figs 2-4).

Regarding claim 13, Kim et al discloses wherein at least one of the plurality of engagement elements is configured to operably interact with a self clinching tie mount(for example, see elements 10, 11a, 11b, Figs 2-4).

Moreover, regarding the intended use recitation[...configured to operably interact with a self clinching tie mount],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 14, Kim et al discloses an apparatus comprising:

a body having top and bottom sides and an end(for example, see element 1, Figs 2-4);;
plurality of engagement elements(for example, see elements 10, 11a, 11b, Figs 2-4)
configured to engage the corresponding structure of the electronic equipment enclosure
so that when the card guide is completely installed in the electronic equipment
enclosure, the card guide is attached to the electronic equipment enclosure in a
fastenerless arrangement, at least one engagement element being attached to each of
the top and bottom sides of the body and the end of the body(for example, see
elements 10, 11a, 11b, Figs 2-4), and the at least one engagement element attached to

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the top side of the body being configured to operably interact with a self clinching tie mount(for example, see elements 10, 11a, 11b, Figs 2-4).

Moreover, regarding the intended use recitation[...configured to engage the corresponding structure of the electronic equipment enclosure so that when the card guide is completely installed in the electronic equipment enclosure, the card guide is attached to the electronic equipment enclosure in a fastenerless arrangement],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 16, Kim et al discloses wherein at least one of the engagement elements is integral with the body of the card guide(for example, see elements 10, 11a, 11b, Figs 2-4).

Regarding claim 17, Kim et al discloses wherein the body defines at least one channel configured and arranged to receive an edge of a card when the card guide is installed in the electronic equipment enclosure (for example, see elements 1 Figs 2-4).

Moreover, regarding the intended use recitation[...configured and arranged to receive an edge of a card when the card guide is installed in the electronic equipment enclosure],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

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Regarding claim 18, Kim et al discloses wherein the body is configured to removably receive an adapter element, selective use of the adapter element facilitating definition of at least first and second card storage configurations (for example, see elements 1 Figs 2-4).

Moreover, regarding the intended use recitation[...configured to removably receive an adapter element, selective use of the adapter element facilitating definition of at least first and second card storage configurations],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 19, Kim et al discloses wherein the body defines a plurality of channels on at least one side, so as to facilitate definition of a plurality of card storage levels(for example, see channels in elements 1 Figs 2-4).

Moreover, regarding the intended use recitation[...so as to facilitate definition of a plurality of card storage levels],it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Regarding claim 20, Kim et al discloses wherein the card guide is configured for use in both vertical and horizontal card cages(for example, see elements 1 Figs 2-4).

Moreover, regarding the intended use recitation[...configured for use in both vertical and horizontal card cages],it has been held that a recitation with respect to the manner in

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which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus(Kim et al) satisfying the claimed structural limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al US Patent 5666271 in view of LaMothe et al US Patent 6771513.

Regarding claim 4, Kim et al discloses the instant claimed invention except wherein the card guide substantially comprises one of: polycarbonate, and, a composition of carbon and polytetrafluoroethylene.

LaMothe et al discloses an apparatus wherein a card guide substantially comprises one of: polycarbonate (for example, see elements 50, Figs 2-5, see column 5, lines 50-56) and, a composition of carbon and polytetrafluoroethylene.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the card guide comprising comprises one of: polycarbonate, and, a composition of carbon and polytetrafluoroethylene as taught by LaMothe et al in the apparatus as taught by Kim et al as polycarbonate is widely used in

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making card guides because polycarbonate is strong, flexible, inexpensive to manufacture, as well as, lightweight

Regarding claim 15, Kim et al discloses the instant claimed invention except wherein the card guide substantially comprises one of: polycarbonate, and, a composition of carbon and polytetrafluoroethylene.

LaMothe et al discloses an apparatus wherein a card guide substantially comprises one of: polycarbonate (for example, see elements 50, Figs 2-5, see column 5, lines 50-56) and, a composition of carbon and polytetrafluoroethylene.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the card guide comprising comprises one of: polycarbonate, and, a composition of carbon and polytetrafluoroethylene as taught by LaMothe et al in the apparatus as taught by Kim et al as polycarbonate is widely used in making card guides because polycarbonate is strong, flexible, inexpensive to manufacture, as well as, lightweight.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E. Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).

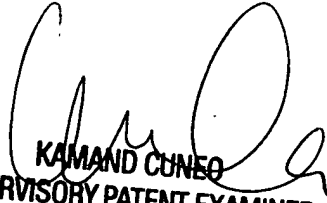
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dameon E Levi
Examiner
Art Unit 2841

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